



Analysis of Scottish Government’s Response to UN Committee’s 11 recommendations

This report provides a framework for action and feedback to Scottish Government in taking a children’s rights approach to responding to COVID-19.

It is to be used by Scottish Government policy leads, the [Children’s Sector Strategic Forum](#), the [Observatory of Children’s Human Rights Scotland](#) and the membership of [Together \(Scottish Alliance for Children’s Rights\)](#) to monitor, review and adapt Scotland’s approach to COVID-19 in way that protects, respects and fulfils children and young people’s human rights. It will be updated on a regular basis as further information is received from Scottish Government and across Together’s membership. The views expressed in this report are drawn from comments and feedback from across Together’s membership. They do not necessarily represent in all respects or detail the views of every member of Together, nor every organisation that has contributed to this report. Views expressed separately by Together’s members should also be taken into account.

- If you are a Together member and would like to submit resources to inform updates of this report, [please make your submission here](#).
- To read more about children's views and experiences relating to coronavirus, alongside information gathered from parents, carers and practitioners about the impact on children and their families, please visit our webpage which sets out [‘Children and Young People’s Views’](#).
- To read policy briefings from Together’s members to track the impact of coronavirus on children and their families, please visit our webpage which sets out [‘Briefings and Resources’](#).

UN Committee Recommendation (full text here)	Full text of Scottish Government’s Response, 19th May 2020 (earlier response from 5 th May 2020 available here)	Together’s commentary/analysis
<p>Recommendation 1 - limiting restrictions on children's rights</p> <p>The UN Committee called on governments to consider children's rights and ensure any restrictions are necessary, proportionate and kept to an absolute minimum.</p> <p>It also recommended that governments use child rights-based budgeting.</p>	<p>Children’s rights and wellbeing matter now, more than ever. A children’s rights approach is being embedded into our response to COVID-19 and our approach to recovery and renewal.</p> <p>Child Rights and Wellbeing Impact Assessments are being prepared for key policies and legislation to gauge the impact on children’s rights and wellbeing and mitigate any negative impacts. A CRWIA was published for the Coronavirus (Scotland) Act 2020 and the Coronavirus (Scotland) (No. 2) Bill.</p> <p>Our consideration of the rights of children in relation to the pandemic is informed by the UN Committee on the Rights of the Child’s Statement on COVID-19. We have shared a report on the action being taken across Scottish Government portfolios within the 11 key areas outlined by the Committee with Together (Scottish Alliance for Children’s Rights) and have committed to providing further updates.</p>	<p>Scottish Government’s commitment to take a children’s rights approach to the crisis and recovery is welcome. The reports outlining its actions against the UN Committee’s 11 recommendations are encouraging, particularly as Scottish Government moves towards incorporating the UN Convention on the Rights of the Child. These reports are a valuable resource for monitoring efforts to translate Scottish Government’s overarching commitment into reality for all children.</p> <p>The completion of Child Rights and Wellbeing Impact Assessments (CRWIA) for the Coronavirus (Scotland) Act 2020 and Coronavirus (Scotland) (No. 2) Bill is positive. We note the statement that CRWIA are being prepared for ‘key’ policies and legislation and emphasise that robust, high quality impact assessments must be completed for <i>all</i> policy and legislation affecting children (directly or indirectly). The CRWIAs conducted by Scottish Government focus primarily on</p>

We have also established a COVID-19 Children and Families Collective Leadership Group working in collaboration with SOLACE, COSLA, the third sector and a range of national organisations. The role of this Group is to gather data and intelligence about the adversities and challenges being faced by children, young people and families and to progress local and national actions in response.

It is the intention of the Collective Leadership Group to establish an advisory group to ensure that the voices of families, children and young people, including less visible groups, inform their work.

UNCRC Article 3 (best interests) and would benefit from greater analysis of the impact on all UNCRC rights. There are particular omissions from each CRWIA, most notably no consideration of the likely impacts on children aged 16 and 17 or children involved in the justice systems. Whilst Together is keen to stress that children and young people should always be consulted as part of the CRWIA process, we note Scottish Government's statement that this was not possible given the emergency nature of the above legislation. Together has offered its support to Scottish Government to develop and enhance its approach to CRWIAs and ensure they are conducted as early as possible in the decision-making process.

Together would welcome a clear statement from Scottish Government as to how the CRWIAs are to be reviewed and revised on an ongoing basis and what steps will be taken to ensure further CRWIAs are informed and influenced by children's views and experiences.

Data collection, analysis and publication is essential to monitor and evaluate the impact of the pandemic on children's human rights. Data should be disaggregated to allow for identification of varying impacts across different groups of children and to establish effective measures to address these. The creation of a Collective Leadership Group (CLG) to gather data on how children and their families have been affected is encouraging. We welcome Scottish Government's intention that the CLG will be supported by a new advisory group 'to ensure the voices of families, children and young people, including less visible groups, inform [the CLG's] work'. We look forward to Scottish Government sharing more details about the group and how children and young people will be involved and influence decisions. Together understands that Police Scotland's interim Vulnerable Persons Database (iVPD) is being used to inform the data and nature of the information shared with the CLG. Historically, operation of the iVPD has been criticised as not providing sufficient legal safeguards for individuals' privacy rights under Data Protection and Human Rights law.

Together would welcome clarification about the use of the Police Scotland's interim Vulnerable Persons Database (iVPD) to inform the data and nature of the information shared with the CLG, as well as clarity from Scottish Government as to which children are being classified as 'vulnerable' in the crisis and what constitutes a 'wellbeing concern'.

		<p>Together notes that the two Scottish Government reports published to date focus on those parts of the UN Committee’s recommendations in bold text and as such do not always consider the issues in plain text. For example, Scottish Government does not comment on the use of child rights-based budgeting in its response to Recommendation 1, despite this being included in the Committee’s recommendation.</p> <p>Together would welcome elaboration by Scottish Government on the wider issues raised in the statement by the UN Committee, particularly what steps are being taken to ensure a rights-based approach to allocating resources.</p>
<p>Recommendation 2 - right to rest, leisure, play, cultural life and the arts</p> <p>The UN Committee recommended that governments explore alternative solutions to ensure children can access their rights to rest, leisure, recreation, cultural and artistic activities while respecting social distancing guidelines.</p>	<p>The Scottish Government is committed to giving young people all over Scotland a chance to take part in the arts, as demonstrated through our Time to Shine youth arts strategy. Officials are working with Creative Scotland to explore the barriers to young people experiencing culture at this time.</p> <p>We are working with key partners to support families with play and learning at home during the current restrictions including through the Parent Club website. The website provides advice, information and resources for families, including advice and links to provide ideas and encourage parents to keep children physically active. We are also developing an online platform which will include digital content for children and families to keep physically active.</p> <p>We also recognise that young carers may need extra support to take a fun break from their caring role. YoungScot has been working closely with the Scottish Government to adapt its young carer package to help support young carers as they self-isolate or physically distance. This has included launching new digital opportunities which young carers can access safely at home. Young Scot are currently developing a campaign to raise awareness of this package to ensure as many young carers as possible access it.</p> <p>Although Young Scot cannot currently issue new or replacement cards, they are adapting sign up so that young carers who do not have a card can still access the package. This change is set to launch within the next week.</p> <p>The Scottish Government has provided funding to a number of youth work organisations to support their work in engaging with young people through digital means. We have also invested in YouthLink Scotland to support the skills and capacity of the youth work sector through digital youth work training targeting youth workers across Scotland. Youth workers are supporting young people with activities to do online and activity packs to use at home. Many are</p>	<p>Together welcomes Scottish Government efforts to support children’s right to rest, leisure, play, cultural life and the arts. We note that several of these actions appear to be online/digital-only, raising concerns that they may not be accessible to all children.</p> <p>Together would welcome further elaboration from Scottish Government on the measures planned and adopted to consider the specific needs of vulnerable groups in relation to this recommendation. This includes children who are digitally excluded, children with disabilities and additional support needs, refugee and migrant children and other vulnerable groups.</p> <p>Efforts to raise awareness of support available for young carers are welcome.</p> <p>Together would welcome further information on the steps taken by Scottish Government to ensure this information reaches those who need it most. This should include the measures put in place to ensure that it is accessible in a range of formats, including for young carers with limited internet access.</p>

	<p>also offering telephone support to young people, especially those who are struggling with their mental health.</p> <p>The youth work sector is represented on the High Level Ministerial Leadership Group established by Mr Richard Lochhead, MSP, Minister for Further Education, Higher Education and Science. This group actively discusses how the Scottish Government responds to key challenges faced as a result of COVID-19 and how we collectively plan to aid the immediate, and long term recovery of the tertiary sector. A Community Learning & Development (CLD) reference group informs these discussions and youth work is represented on this group by Scotland’s National Youth Work agency, YouthLink Scotland. Officials regularly engage with Youthlink Scotland and other key stakeholders on issues as they arise and collectively respond to these.</p>	
<p>Recommendation 3 - online learning</p> <p>The UN Committee said governments must ensure online learning doesn't exacerbate existing inequalities or replace student-teacher interaction. Alternative solutions must be available for children with limited access to the internet or support.</p>	<p>Enabling families to have access to digital technology also plays an important role in ensuring that children and young people can participate online, access the support they need, carry out school work at home and connect with family and friends.</p> <p>We are working with local authorities to identify those in need of further support with regard to digital devices and/or connectivity. Children 1st and Aberlour are taking part in the Connecting Scotland pilot. The pilot will provide laptops suitable for education purposes and 6 months data via a sim to families highlighted by Children 1st and Aberlour as being particularly in need.</p> <p>The Cabinet Secretary for Health and Sport, Jeane Freeman MSP, announced the £5 million Connecting Scotland programme which will support 9,000 low income individuals across Scotland that are clinically at risk. The Scottish Government are working in partnership with SCVO, ScotlandIS and the wider public sector to identify the most at risk digitally excluded people; supply them with devices, and / or connectivity; train and mentor them to get on-line; and provide on-going support to cope with issues and training needs.</p> <p>One Parent Families Scotland, Barnardo’s and Action for Children have also received funding from the Immediate Priorities Fund to help provide direct support to families during the COVID-19 pandemic, including addressing digital access. This investment is part of the Scottish Government’s wider £350 million Communities Funding.</p> <p>We are working with Education Scotland in exploring a range of options to support the learning of our children and young people at this time. Education Scotland is helping local authority officers and teachers ensure learning continues during this challenging period.</p>	<p>Together welcomes the information and resources that have been made available to parents and carers to support home learning. Most of these have been online/digital, raising concerns around digital exclusion. We are pleased to see that Scottish Government is working with local authorities and the third sector to launch <i>Connecting Scotland</i> which will provide laptops, data plans, training and ongoing support around digital access.</p> <p>Together would encourage Scottish Government to collect and publish disaggregated data on the number of children and families supported through the programme to allow any gaps in provision to be identified.</p> <p>Our members are concerned by the low numbers of vulnerable children accessing the school places to which they are entitled. There are further concerns around inconsistencies in defining who is a “vulnerable” child. While we note Scottish Government’s comment that some local authorities are using Attainment Scotland Funding to provide transport to school hubs, other issues need to be addressed - including stigma, parental awareness of the offer and how to access it.</p> <p>Children and young people have raised concerns about exam cancellations and the alternative grading process being put in place. There has been little consultation with children and young people in relation to these decisions which has exacerbated the anxiety and worry felt by many. Young people have questioned why the Scottish Government did not arrange for the exams to be taken at a future date as an alternative to subjective grading by individual teachers where young people have been denied an opportunity to have their</p>

Closing the Poverty-related attainment gap remains the defining mission of the Scottish Government. We recognise the challenges that this unprecedented situation presents, in particular for vulnerable children and families from the most deprived backgrounds. That is why we are continuing with our commitment to invest £182 million from the Attainment Scotland Fund in 2020/21. It's also why we have committed to extend funding for the Scottish Attainment Challenge at current levels beyond the lifetime of this parliament and into 2021/22.

On Friday 1 May, the Deputy First Minister announced that over £250 million in Pupil Equity Funding (PEF) will be made available to schools over 2020/21 and 2021/22 meaning that, for the first time, PEF allocations have been confirmed for two years, to provide more certainty for head teachers and aid learning during the Coronavirus (COVID-19) pandemic.

The Scottish Government is providing local authorities/schools with flexibility to redirect Attainment Scotland Funding aimed at closing the attainment gap to help mitigate the impacts of school closures on our most disadvantaged families. This plays an important part in mitigating the impact of home learning arrangements that may prove more challenging for our most disadvantaged families to adapt to. Examples include providing tablets to support digital learning at home and transport to enable learners to attend hubs and supporting home-school link workers to maintain regular contact with children.

The Scottish Government has published 'Coronavirus (COVID-19): supporting pupils, parents and teachers - learning during term 4': comprehensive guidance to help support continuity for children and young people's learning for the term ahead.

National Parent Forum of Scotland have also published term 4 guidance for parents and carers. This provides an overview of the measures in place and steps being taken, at a national and local level, to support children and young people, including those with additional support needs.

The Parent Club website also provides advice for parents and carers about home learning. This includes specific pages with advice about supporting children and young people with additional support needs.

Information on the continued provision of care and support for children and young people with complex additional support needs can be found in the 'Coronavirus (COVID-19): school and early learning closures - guidance about key workers and vulnerable children'.

views taken into account in the grading process. Scottish Government and the SQA have given guidance to schools that they must refuse requests from children and parents to discuss the grading process and must not inform any child of their decision. [We note that members of the Scottish Youth Parliament have offered to support this work.](#)

Together would welcome further information from Scottish Government and SQA on the steps taken to address concerns raised by children and young people in relation to their exams, and how this information has been communicated to children and young people.

<p>Recommendation 4 - access to food</p> <p>The UN Committee said governments must ensure children have access to nutritious food, particularly those who are eligible for free school meals.</p>	<p>The ‘Coronavirus (COVID-19): school and early learning closures - guidance about key workers and vulnerable children’, provides information to support local authorities in the continued provision of free school meals.</p> <p>We have provided our local authority partners with £30 million of new investment from the Scottish Government Food Fund to support people who may be facing barriers to access food as a result of COVID-19. We are working with them to ensure that this provision is continued in a way that meets local needs and circumstances, as well as the latest health protection advice.</p> <p>Our latest returns from local authorities show that over 168,000 children and young people are receiving a meal provision, either through a voucher, direct payment, home delivery or at an educational or early years setting.</p> <p>In some local authority areas more than one approach is being put in place due to the multiple complexities associated with reaching all vulnerable children and young people. In many cases authorities are providing support for the wider family rather than just the eligible child(ren).</p> <p>We firmly believe that this flexibility is key in order for our local authority partners to support all vulnerable families, whether they be in a remote, rural or urban location.</p> <p>We are aware that some low income families have significant overdrafts and therefore a direct payment may not provide the means to access food as intended.</p> <p>It is recognised that in the current circumstances some children will become eligible for free school meals. Local authorities have the power to provide free school meals to children who would not normally be eligible but whose families are experiencing financial hardship as a result of COVID-19.</p>	<p>Together welcomes the investment of £30million in a Food Fund enabling local authorities to support children and families facing barriers to access food. The increase in number of children eligible for free school meals who are receiving alternative provision is encouraging, yet many children continue to face barriers. It is essential that children’s rights are fully considered by local authorities when decisions around free school meals are made, particularly as to the model used. A scoping exercise by the Children and Young People’s Commissioner Scotland highlighted a diverse range of policies and schemes across Scotland’s 32 local authorities, and raised concerns that provision was not always reaching the children who needed it most.</p> <p>Together has consistently supported calls for families entitled to free school meals to receive a direct cash payment rather than less flexible vouchers or packed-lunch distribution schemes. Scottish Government notes that direct payments may not be appropriate for families with significant overdrafts yet does not address concerns that charities have raised in relation to other forms of support.</p> <p>Together would encourage Scottish Government to respond positively to calls from across civil society for a direct cash payment for families entitled to free school meals.</p> <p>Collecting and publishing robust, disaggregated data is key to analysing how children across different local authorities are being affected. We note there is no disaggregation of the 168,000 figure of children receiving alternative school meal provision.</p> <p>Together would welcome the publication of disaggregated data on children receiving alternative school meal provision. This would allow adequate assessment of the extent to which the needs of the most vulnerable families are being met.</p>
<p>Recommendation 5 - basic services</p> <p>The UN Committee said governments must maintain provision of basic services for children including healthcare, mental health support, water, sanitation and birth registration.</p>	<p>By using the strength of universal services such as maternity, health visiting and family nurse partnership, we have established routes and relationships with all children, families and pregnant women across Scotland, who are able to offer support and advice at this challenging time in multiple ways.</p> <p>Health Visitors and Family Nurses continue to exercise the function of the named person for all children and families in their care. Prioritising contacts for new mothers and infants was part of the initial response. Clinical community guidance was issued to support these services. Nursing and Community Health Guidance</p>	<p>Scottish Government says it has established routes and relationships with ‘all’ children and pregnant women across Scotland. The reports do not specifically address those facing barriers to accessing healthcare, for example refugees and asylum-seeking children and their families, and what steps are being taken to support them in accessing healthcare during the crisis.</p> <p>Scottish Government’s response does not address water and sanitation – although these are included in the UN Committee’s recommendation. This is a potential issue for Gypsy/Traveller</p>

	<p>Workstreams have been established to consider the secondary health impacts for children and young people, and where actions taken to address the pandemic emergency could widen inequalities. The Scottish Government is working alongside Public Health Scotland and Child Health Commissioners to drive this forward.</p> <p>On birth registration, the focus of services in this area at the moment unfortunately has to be on the registration of deaths and still-births. However, the Scottish Government and National Records of Scotland recognise the importance of birth registration and will make announcements on resuming birth registration as soon as we can.</p>	<p>children who have previously reported their sites do not always have hot water.</p> <p>We note that birth registrations remain suspended, in direct contradiction of the UN Committee’s recommendation.</p> <p>We are concerned that children deprived of their liberty in Young Offenders Institutions (YOIs) are currently being treated as adults where the Prison Rules have been amended. This has resulted in some children being unable to access showers or health support, particularly mental health services during ‘lockdown’.</p> <p>Together would welcome further information from Scottish Government on the steps being taken to address the above concerns.</p>
<p>Recommendation 6 - child protection, support and services</p> <p>The UN Committee said governments must ensure child protection services remain functioning and available, and that they strengthen reporting and referral systems, as well as awareness activities.</p>	<p>The Scottish Ministers are clear that the Children (Equal Protection from Assault) (Scotland) Act should continue to have full effect in November 2020, as originally planned.</p> <p>Additional supplementary child protection guidance, including in relation to children affected by domestic violence, was disseminated to stakeholders on 31 March 2020. This guidance advises on how processes can be streamlined and modified to take account of current challenges without compromising actions to protect children and young people, consistent with children’s rights. The guidance is clear that the pandemic must not affect the protections afforded to children.</p> <p>The guidance also notes the continuing importance of the ongoing support of a named person or first point of contact and underlines that local areas must ensure that parents and carers are clear about how they can get advice or raise concerns in relation to their children.</p> <p>We are in regular dialogue with local authorities and other bodies to help ensure that we understand the challenges facing the sector and are working collaboratively with services for children to ensure they are able to respond to these effectively.</p> <p>We have also developed guidance to assist children’s residential care services during the pandemic, and continue to work closely with Police Scotland and other key stakeholders to resolve any issues as they arise for those caring for looked after children and young people.</p> <p>On 18 March we announced a £350 million package of funding to support our communities. Of this £1.5 million of funding is supporting key national third sector groups to promote wellbeing and provide support for vulnerable</p>	<p>Together welcomes the additional funding provided to Childline and Stop It Now! Scotland to respond to the increase in demand and adapt service delivery, respectively. In the absence of presented data, it is not clear how many children and young people have been reached as a result.</p> <p>Together would welcome an analysis of the number of children and families reached through the additional funding provided to support communities.</p> <p>We note that neither Scottish Government report addresses changes to the Children’s Hearings System. Our members are concerned that certain changes adversely impact children’s human rights, particularly around access to justice, fair hearings and due process, contact and family life, deprivation of liberty, and participation. It is essential that children’s rights are upheld and existing statutory duties are complied with throughout the crisis.</p> <p>Together would encourage Scottish Government to closely monitor the impact of any changes to the Children’s Hearings System and would welcome inclusion of this analysis in subsequent reports.</p> <p>Together notes the UN Committee’s call on governments to strengthen child protection referral and awareness activities. Scottish Government’s first report mentioned the role of local areas in ensuring that parents and carers are clear about how to get advice and raise concerns but did not indicate Scottish Government’s own role or actions to raise awareness. Encouragingly, the second report notes Scottish Government is ‘developing options’ to produce a</p>

	<p>children, young people and families. We have provided £60,000 to Childline to adapt and respond to rising demand, and ensure continued service to meet the growing counselling need from children and young people. We have also provided £15,236 to Stop it Now! Scotland to adapt their service delivery to respond to the increased risks currently facing children across Scotland and develop tailored resources to replace outreach work.</p> <p>The UK Government has launched a child protection media campaign in partnership with the NSPCC which is running across the UK. We are currently developing options for further Scottish specific awareness raising to complement national messaging from Child Protection Committees Scotland, Police Scotland and local communications activity.</p> <p>On 27 March, Minister for Mental Health Clare Haughey announced a further £3.8 million to begin to increase the capacity of NHS 24's telephone and online services. This includes £2.6 million to expand the NHS 24 Mental Health Hub and Breathing Space telephone helpline and web support service and £1.2 million to provide extra capacity for Computerised Cognitive Behavioural Therapy (CCBT). Information about these expanded services will come on line as they become active.</p> <p>On 3 May, we announced £105,000 funding to the organisation Young Scot to support them to add content to their existing webpage focussing on general wellbeing and mental health. This is a universal offer, available to all children and young people, and connects to general population level information and links to practical support. There is also appropriate links and signposting for young people who may be experiencing mental ill health or distress, to ensure young people can access the right support for their circumstances. This was launched on 18 March and can be found here.</p> <p>Advice for parents on supporting their children's mental wellbeing during this time is also available on the Parent Club website.</p>	<p>Scotland-specific media campaign, following a UK-wide campaign launched by UK Government and NSPCC.</p> <p>We note Scottish Government does not address the UN Committee's recommendation relating to housing conditions and/or overcrowding.</p> <p>We would welcome further information on the steps taken by Scottish Government to address the housing needs of families in subsequent reports.</p> <p>The additional funding streams for mental health services are much needed. Scottish Government must ensure that sufficient resources are directed towards Child and Adolescent Mental Health Services, particularly considering the pre-existing difficulties around access and the increased negative impact on children and young people's mental health during the pandemic.</p> <p>Together would encourage Scottish Government to undertake a CRWIA on the allocation of funding for mental health services. This would support rights-based budgeting that ensures resources are directed towards the most isolated children who are most likely to experience a negative impact on their rights.</p>
<p>Recommendation 7 - vulnerable children</p> <p>The UN Committee recognised that certain children are particularly at risk on account of pre-existing vulnerabilities - it says governments must take targeted measures to protect them. Examples given include disabled children, children living in poverty, refugee and</p>	<p>Ministers are clear that we must continue to focus on ensuring that all children and families who need additional support during the crisis can access that support, including through local hubs, other community and place-based initiatives, and local 3rd sector activity.</p> <p>The Children and Families Directorate is working with partners to establish robust processes for monitoring the impact of the pandemic on the needs of children and young people who are at risk or who may become 'at risk' as a result of the crisis. On 24 April we published the Supporting Vulnerable Children and Young People - Data Intelligence Report. This report provides a clear commentary about the impact of the COVID-19 outbreak for children at risk and</p>	<p>Regular 'Data Intelligence Reports' provide valuable information of the impact on vulnerable children. We have some concerns that the data collected may not provide a full or comparable insight into the impact of COVID-19 on vulnerable children and families in that even prior to lockdown, not all children entitled to a coordinated support plan had one in place. We acknowledge and support Scottish Government's efforts to include children's voices and experiences in forthcoming update reports. As previously mentioned, our members are concerned by the low numbers of vulnerable children accessing the school places to which they are entitled. While we note Scottish Government's comment that some local authorities are using</p>

<p>asylum-seeking children and children with underlying health problems.</p>	<p>their families and on the ways that services are adapting and responding to the crisis.</p> <p>The Scottish Government is aware that the current situation may be placing additional strain on young carers. We have established a new fund of £500,000 to help local carer organisations and young carer services transition to supporting carers remotely. This includes tailored advice and training to help them understand how best to keep in touch with carers and young carers in their communities</p> <p>The Coronavirus (COVID-19): staying at home and away from others (social distancing) guidance has been amended, allowing vulnerable people, including those who are autistic or have learning disabilities to travel a bit further to appropriate outdoor space where they can exercise safely, to enable them to keep to their routines and ease their anxiety.</p> <p>On 24 March, we wrote to NHS Boards stating that people with learning disabilities and autism are exempt from the COVID-19 ‘no visitors’ policy. This means children with learning disabilities are able to be supported by their families in hospital.</p> <p>Commissioned by the Scottish Government, the Scottish Commission for Learning Disabilities has a hub of resources available to people with learning disabilities and those who support them. These resources include easy read materials on the virus and government advice, self-help guides for supporting your mental health and a clinical guide for supporting someone with a learning disability in hospital. These are available on the Scottish Commission for Learning Disabilities website and the easy read Government advice can be found on Ready Scotland.</p> <p>The Scottish Government is in weekly contact with all 5 secure care centres to offer support, share intelligence and good practice guidance and seek assurances about the wellbeing of young people and staff. These discussions have yielded practice and process improvements around access to PPE and testing for staff and young people. Other innovations include young person-friendly explanatory material about the pandemic impacts developed by Kibble and shared with other providers to support young people, and the purchase and sharing of new technology to support young people to maintain and develop family contacts. New residential care guidance, with relevance for secure care, was developed and published on 23 April.</p> <p>In order to keep those children who are most vulnerable, and who are shielding safe the Scottish Government has extended access to PPE and testing to all unpaid carers who need it. PPE will be available to carers providing personal care, such as washing and dressing, in cases where they are unable to access it</p>	<p>Attainment Scotland Funding to provide transport to school hubs, other issues need addressed - including stigma, parental awareness of the offer and how to access it. There are further concerns around inconsistencies in defining who is a ‘vulnerable’ child. (see previous comments about the iVPD).</p> <p>Additional efforts to support young carers through local organisations are welcome, yet we note young carers remain at risk of being left behind at a time when many will have seen their caring responsibilities increase. Young carers are not included in additional financial support measures set out in the Coronavirus (Scotland) (No.2) Bill which give an uplift to those in receipt of Carers Allowance. Together notes the CRWIA to the Bill states efforts have been taken to raise awareness of the Young Carers Allowance and that there has been a ‘modest increase’ in applications as a result.</p> <p>Together would welcome the publication of disaggregated data on this increase and the number of young carers accessing the Young Carer Allowance. We would also welcome further information about the steps taken to ensure awareness raising activities take place across a range of formats and are accessible to all young carers including those with limited internet access.</p> <p>Together welcomes guidance that autistic and learning-disabled patients are exempt from the ‘no visitors’ policy in hospitals. This is crucial to minimising distress at what is already a very upsetting time. Scottish Government’s commissioning of accessible resources for people with learning disabilities is very positive.</p> <p>Together notes Scottish Government does not set out measures to support vulnerable children from asylum-seeking and refugee backgrounds, minority groups or children detained in Young Offenders Institutions. Further, there is limited information given on what Scottish Government is doing to support care experienced children and young people.</p> <p>Together would welcome Scottish Government’s comments in relation to these groups in subsequent reports.</p>
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	<p>through their normal routes. Carers should read the Scottish Government advice for unpaid carers providing personal care to find out if they should be wearing PPE and which type of PPE they require for their situation. Based on this guidance, if an individual feels they require PPE and can't get it through your normal routes they can access it through their local carers centre. The Scottish Government website confirms that unpaid carers are included with the group of key workers who are able to access testing. Unpaid carers are specifically mentioned within priority group 4.</p>	
<p>Recommendation 8 - children in detention</p> <p>The UN Committee says children in detention should be released wherever possible. Where this isn't possible, governments should facilitate regular contact with family members.</p>	<p>A number of short-term prisoners nearing the end of their time in custody are to be released early, under measures designed to help tackle the coronavirus (COVID-19) outbreak. The plan will help prison and healthcare staff to continue to manage safely all those who remain in their care during the outbreak and follows measures taken across the world including elsewhere in the UK.</p> <p>Regulations have been laid before Parliament and releases have started from 4th May. The scheme is limited to those sentenced to 18 months or less and who on 4th May have 90 days or less left to serve. The release of prisoners under the regulations is be subject to exclusions to ensure public protection, such as those who are imprisoned for life or with convictions for sexual offences, domestic abuse or terrorism offences.</p> <p>The early release regulations make specific provision so that they include the release of young offenders. Those in prison custody who are designated as young offenders can be considered as eligible for release providing that they fulfil the rest of the criteria set out in the regulations.</p>	<p>Together notes the increased risk of transmission in closed and restricted settings and supports the early release of children deprived of their liberty. Early release of children must be accompanied by effective coordination with social work services to ensure appropriate support and care arrangements.</p> <p>We note that the regulations do not make specific provision for young offenders (under 18). This is inconsistent with Article 40 UNCRC and General Comment 24 which require that children are treated differently to adults due to their particular vulnerabilities and stage of development. The regulations introduce a test of eligibility, not of risk or wellbeing needs. We note advice from the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that States should “conduct urgent assessments to identify those individuals most at risk within the detained populations, and taken account of all particular vulnerable groups”. Further, those on remand are excluded giving rise to the risk of some children being indefinitely detained whilst presumed innocent.</p> <p>Together would welcome clarification from Scottish Government as to how many (if any) children in youth detention have been released via the early release regulations. Together would encourage Scottish Government to ensure that all children detained in Young Offenders Institutions or deprived of their liberty in any setting are individually assessed for release using a human rights-based approach.</p> <p>We note that Scottish Government does not comment on family contact for children in detention, although this is included in the UN Committee’s recommendation. We note reports that Scottish Prisons Service is introducing in-cell secure phones and is exploring virtual contact options.</p>

		<p>Together would welcome Scottish Government’s comments on steps taken to ensure family contact in relation to children in detention. We would also welcome assurances from Scottish Government that children who are deprived of their liberty in other settings, including in secure care accommodation, mental health facilities and immigration detention centres, will be immediately assessed for removal and suitable alternative placements sought where it is in their best interests and to protect their health and wellbeing during the emergency period.</p>
<p>Recommendation 9 - children who breach government rules</p> <p>The UN Committee said governments should prevent the arrest or detention of children (under 18s) who breach guidance or rules relating to COVID-19.</p>	<p>In the Stage 2 debate on the Coronavirus (No. 2) (Scotland) Bill, Parliament agreed to amend the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 so that Fixed Penalty Notices could no longer be given under the Regulations to those aged 16 or 17.</p> <p>There are criminal offences under Schedule 21 of the UK Government’s Coronavirus Act 2020. In Scotland, the penalties for breach includes imprisonment for up to 12 months. The penalties in Scotland are aligned with the penalties in section 120 of the Public Health etc. (Scotland) Act 2008.</p> <p>However, it is for the Chief Constable to determine the operational approach that police officers should take in exercising the powers in Schedule 21 of the UK Government’s Coronavirus Act 2020 and also in the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.</p> <p>Police Scotland have produced operational guidance on the proportionate application of these powers for dissemination to constables along with proactive communications and social media highlighting that, even in these exceptional times, their approach to policing will remain governed by consent, with “soft enforcement” as the default setting.</p> <p>Police have the power to instruct adults to take steps to stop their children (those under 16) breaking these rules; adults may be fined or prosecuted where they do not take reasonable steps to encourage their children to abide by these regulations. And, where they encounter three or more people are gathered they may direct the gathering to disperse.</p> <p>Police Scotland recognises that the vast majority of children do not engage in criminal or other antisocial activity. However, if such activity occurs, the police will work with local communities and relevant partners to understand why these issues arise and to determine the causes of such behaviour. This includes activities that encourage positive outcomes for children and improve the quality of life for communities as a whole.</p>	<p>General Comment 24 urges states such as Scotland, where children in justice settings are defined as under the age of 16, to “change their laws with a view to achieving a non-discriminatory full application of their juvenile justice rules to all persons under the age of 18 years at the time of the offence”.</p> <p>Together welcomes the amendment to the Coronavirus (No.2) (Scotland) Bill which ensures 16- and 17- year olds will no longer be issued Fixed Penalty Notices (FPN) for breaking lockdown rules. This remedies the earlier situation whereby 16- and 17-year olds were criminalised unnecessarily. Scottish Government’s initial report dated 5th May confused participation rights and protection rights (age of capacity -v- age of majority) and we are glad to see this change bringing Scotland closer in line with the UN Committee’s recommendation.</p> <p>There are concerns that Police Scotland can keep FPN information for 2 years, opening up the possibility children who received a FPN in the period between the introduction of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 and the passing of the Amendment may be subjected to detrimental labelling.</p> <p>Together would welcome clarification from Scottish Government as to whether children who received a Fixed Penalty Notice in this period (if any did) will have it retrospectively removed/wiped from their record.</p> <p>The above change relates only to Fixed Penalty Notices issued pursuant to the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020. It does not remove the potential of criminalisation for 16- and 17-year-olds who fail to comply with compulsory testing powers under the UK Coronavirus Act 2020. Under this legislation, a child remains defined as under 16 in</p>

	<p>In determining whether to arrest a child, police officers will take full account of the provisions contained in the Criminal Justice (Scotland) Act 2016 (“the Act”) and the guidance set out in the Care and Welfare of Persons in Police Custody; the Criminal Justice (Scotland) Act 2016 (Arrest Process); and Offending by Children Standard Operating Procedures.</p> <p>Section 50 of the Criminal Justice (Scotland) Act 2016 states that “a constable must take every precaution to ensure that a person is not unreasonably or unnecessarily held in police custody”. Compliance with Section 50 is the responsibility of all police officers involved from the arresting and enquiry officers to the custody officer. This “beyond all reasonable doubt” test applies to children and adults alike.</p> <p>A public version of Police Scotland’s operational guidance for officers and staff has very recently been published on Police Scotland’s website. [Some details have been redacted from the guidance for operational reasons]”.</p>	<p>Scotland, in contrast to under 18 in all other parts of the UK. This conflicts with the definition of a child under the UNCRC (18y).</p> <p>Together would welcome Scottish Government’s comments on how it intends to mitigate against the discriminatory effects of the UK 2020 Act on 16- and 17-year olds.</p>
<p>Recommendation 10 - child-friendly information</p> <p>The UN Committee said governments should ensure that child-friendly, accurate information about COVID-19 is disseminated. This should be available in a range of formats and accessible including for disabled children, migrant children and those with limited internet access .</p>	<p>Scottish Ministers consider it of paramount importance at this time to ensure that children and young people can source clear, and accessible information about the virus and for their voices to be heard in the decision making process.</p> <p>We are working with Children in Scotland, Children’s Parliament, Scottish Youth Parliament, Young Scot and others to ensure clear and consistent messaging is developed and communicated to children and young people about COVID-19. Young Scot have received £46,992 from the Immediate Priorities Fund to enhance its digital capability over the next six months to inform young people and encourage them to support the movement to flatten the curve of Coronavirus in Scotland. This investment is part of the Scottish Government’s wider £350 million Communities Funding.</p> <p>The Parent Club website has clear information for families. The Scottish Government marketing team are working with their partnership agency to explore further opportunities to produce and disseminate, through partner organisations, key information to parents within minority and seldom heard groups.</p> <p>Young carers often have additional concerns and therefore require specific tailored information on help available for unpaid carers. The Scottish Government is working with Young Scot to convert any carer related information, such as access to PPE and testing, into an appropriate format. This is then being published on the Young Scot young carer platform.</p>	<p>We welcome Scottish Government’s statement that it is of ‘paramount importance’ for children to have accessible information and their voices heard in decision-making processes. In practice, this means information should be available in a range of formats, accessible to children with disabilities and additional support needs, children belonging to minority groups and children with limited internet access. We note Scottish Government does not comment on these specific accessibility considerations and what it is doing to address these.</p> <p>We welcome that Scottish Government is working to produce and disseminate information to parents within minority and seldom-heard groups but emphasise the importance of producing child-friendly information in addition to this.</p> <p>Together would welcome further detail from Scottish Government on the steps taken to ensure all children and parents have access to information about COVID-19, and how specific accessibility considerations are being taken into account.</p>

<p>Recommendation 11 - participation in decision-making</p> <p>The UN Committee said governments should ensure children's views are heard and taken into account in decision-making processes relating to the pandemic.</p>	<p>The First Minister has answered video questions from children and young people about COVID-19 on 3 occasions (23 March, 7 April and 29 April). The videos have been released on the Young Scot YouTube channel and shared across Scottish Government, including Parent Club, and relevant partner social media channels.</p> <p>The Scottish Youth Parliament, in partnership with Young Scot and YouthLink Scotland, delivered “Lockdown Lowdown”, an online survey developed by young people for young people, to help identify what they need from the Scottish Government, the NHS, COSLA, local authorities and others.</p> <p>The Children’s Parliament has delivered the “Children and the Coronavirus: How are you doing? (April 2020)”, an online survey of nearly 4000 children, aged between 8 and 14 years old, from across Scotland on their concerns about COVID-19. A second survey was launched on May 1.</p> <p>The reports from both surveys have been shared widely with Scottish Government officials and will inform ongoing policy development.</p> <p>In May 2020, Scottish Government established a COVID19 Children and Families Collective Leadership Group. The Leadership Group (LG) will consider regular intelligence updates and identify actions to address current and emerging issues. The group has a key, priority focus on ‘vulnerable children and young people’ (pre-birth to 18 years).</p> <p>Embedding Children’s Rights and ensuring meaningful engagement with children and young people is a priority for Scottish Government. Our COVID-19 - Communications with Children and Young People Working Group (Children in Scotland, Children’s Parliament, Scottish Youth Parliament Together and Young Scot) has been set up as a mechanism for highlighting emerging issues. Their work will enrich communication between the Scottish Government and children and young People.</p>	<p>We welcome Scottish Government’s statement that it is of ‘paramount importance’ for children to have accessible information and their voices heard in decision-making processes.</p> <p>The information given shows efforts have been made to <i>listen</i> to children. There is less evidence of children’s views being <i>taken into account</i>. There is little information about feedback for children on how their views have been/will be used to influence policy development. Opportunities for children’s participation have already been missed – with the cancellation of exams being one example.</p> <p>Further efforts are needed to include the voices of seldom heard children and young people. This will require a more targeted approach to participation. In this respect, we welcome Scottish Government’s response to Recommendation 1 that it plans to establish an advisory group to the Collective Leadership Group (CLG) ‘to ensure the voices of families, children and young people, <i>including less visible groups</i>, inform [the CLG’s] work’.</p> <p>Together looks forward to Scottish Government sharing more details about the advisory group and how children and young people will be involved and influence decisions, and the steps taken to feedback on how their involvement has influenced decisions.</p>
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